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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,969	04/03/2000	FABIEN BATTINI	RCA90121	6724
7590	10/01/2003		EXAMINER	
JOSEPH S TRIPOLI THOMSON MULTIMEDIA LICENSING INC CN 5312 PRINCETON, NJ 08543-0028			SHIMIZU, MATSUICHIRO	
			ART UNIT	PAPER NUMBER
			2635	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/509,969	BATTINI ET AL.	
	Examiner	Art Unit	
	Matsuichiro Shimizu	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 July 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 5-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 and 5-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 24 July 2003 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

***Response to Amendment***

The examiner acknowledges currently amended claims 1, 3 and 8-10.

The examiner withdraws objection to drawing in view of corrected drawings (figures 1-4) provided by the applicant.

***Response to Arguments***

Applicant's arguments filed on 7/24/2003 have been fully considered and examiners response is provided as follows:

Regarding applicant's argument (line 7, page 6 to line 4, page 7; lines 1-6, page 8), the examiner maintains Humpleman does disclose GUI associated with PC including microprocessor (col. 6, lines 5-9) wherein application programs are executing to render HTML pages into a single page on the screen (col. 6, lines 5-9). Furthermore, Humpleman does disclose same type of appliances (Fig. 11, note; Dads TV and Jims TV) having same type of function controls or aggregate control; like, volume control in Dads TV and Jims TV, channel selection in Dads TV and Jims TV, wherein displaying aggregate control of Dads TV and Jims TV (Fig. 11) is made by choosing display of controlling functions of Dads TV and Jims TV from available devices (Fig. 11) in a page (col. 2, lines 60-65, HTML coded graphics user interface object includes a page containing buttons from two devices wherein buttons are associated with commands) as disclosed in claim 1.

Regarding applicant's argument (lines 5-12, page 7), Humpleman teaches volume control or setting (Fig. 11 and 13), and furthermore, applicant's specification (lines 29-38) discloses volume setting as control function.

Regarding applicant's argument (lines 13-19, page 8), Humpleman teaches, in the art of network system, internet outside of home network to remotely control home devices (col. 20, lines 42-62, connecting the home network to the Internet). Furthermore, one of ordinary skill in the art recognizes since internet network is two way communication system, internet communicating to home network is interchangeable to provide home network communicating to internet or outside of home network.

Therefore, the rejection of claims 1-3 and 5-12 follows:

*Claim Rejections – 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (6,198,479).

Regarding claim 1, Humpleman discloses control device (CTR) in a home network (col. 1, lines 18-21, home network associated browser of devices) including a plurality of appliances (col. 2, lines 31-46, a first and a second home devices), wherein each appliance has an associated descriptor (col. 2, lines 60-65, a set of computer data associated with a volume setting functions or device buttons in HTML coded graphics user interface object in a page containing two devices) comprising information (applicant's specification-lines 35-37, page 6; audio volume settings for the appliances) for controlling said appliance, said device including: microprocessor (col. 6, lines 4-9, microprocessor associated with PC (note: see pp 307 of Computer Dictionary, 3<sup>rd</sup> Edition, MicroSoft Press, 1997)) for loading and processing descriptors associated with the appliances wherein said descriptors each comprise at least one control function of a respective appliance (Fig. 11, col. 17, lines 46-62, DVD and TV; col. 2, lines 31-46, a first and a second home devices), and a corresponding control function type (Fig. 11, col. 17, lines 46-62, DVD and TV; col. 2, lines 60-65, HTML coded graphics user interface object including a page containing device buttons), a graphic generator for generating a display of markup language pages or page parts

based on said descriptors (Fig. 11, col. 17, lines 46-62, DVD and TV; col. 2, lines 60-65, HTML coded graphics user interface include a page containing buttons from two devices), said control device adapted to use descriptors of a plurality of appliances to recognize and aggregate appliance control functions for a plurality of appliances (col. 4, lines 19-28, providing users with a plurality of GUI for commanding and controlling home devices; Fig. 11, col. 17, lines 46-62, DVD and TV), in order to display said aggregated functions on a single markup language page (Fig. 11, col. 17, lines 46-62, DVD and TV). But Humpleman does not disclose said control device adapted to use descriptors of a plurality of appliances to recognize and aggregate appliance control functions of the same type for a plurality of appliances.

However, Humpleman does disclose, in the art of network system, same type of appliances (Fig. 11, note; Dads TV and Jims TV). Furthermore, one of ordinary skill in the art recognizes displaying control of Dads TV and Jims TV is a matter of choice as choosing display of controlling functions of DVD and TV in a page (col. 2, lines 60-65, HTML coded graphics user interface include a page containing buttons from two devices). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include aggregate appliance control functions of the same type for a plurality of appliances in the device of Humpleman because one

ordinary skill in the art recognizes said control device adapted to use descriptors of a plurality of appliances to recognize and aggregate appliance control functions of the same type for Dads TV and Jims TV is a matter of choice as choosing display of controlling functions of DVD and TV in a page.

Regarding claim 2, Humpleman discloses, as disclosed in claim 1, device wherein said microprocessor (col. 6, lines 4-9, microprocessor associated with PC (note: see pp 307 of Computer Dictionary, 3<sup>rd</sup> Edition, MicroSoft Press, 1997)) is programmed to load a descriptor directly from the appliance with which it is associated, said descriptor being stored in a memory in this appliance (col. 6, line 57 to col. 7, line 6, each home device sends its custom GUI to memory of the browser based DTV (102), wherein the user uses GUI to activate the home device remotely).

Regarding claim 3, Humpleman discloses, as disclosed in claim 1, wherein said microprocessor (col. 6, lines 4-9, microprocessor associated with PC (note: see pp 307 of Computer Dictionary, 3<sup>rd</sup> Edition, MicroSoft Press, 1997)) is programmed to load descriptor from an intranet server associated with home network (col. 18, lines 54-60, a session server containing many HTML files). But Humpleman does not disclose internet server located on a different network from said home network the address of the descriptor being loaded from the appliance with which the descriptor is associated.

However, Humpleman does disclose, in the art of network system, internet outside of home network to remotely control home devices (col. 20, lines 42-62, connecting the home network to the Internet). Furthermore, one of ordinary skill in the art recognizes since internet network is two way communication system, internet communicating to home network is interchanged to provide home network communicating to internet. Therefore, internet address in the manufacture's appliance is available just as home network address for the home appliance. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include internet server located on a different network from said home network the address of the descriptor being loaded from the appliance with which the descriptor is associated.

in the device of Humpleman because one ordinary skill in the art recognizes internet server located on a different network from said home network the address of the descriptor being loaded from the appliance with which the descriptor is associated for providing wide area of appliance choice.

Regarding claim 5, Humpleman discloses, as disclosed in claim 1, wherein said descriptor contains at least one of the following functions: display of static information relating to the appliance, display of dynamic information relating to the appliance, or

display of an object for controlling a function of the appliance (Fig. 13, col. 18, lines 43-60, static info for PWR, dynamic info for volume, object for DVCR or DTV).

Regarding claim 6, Humpleman discloses, as disclosed in claim 5, device wherein, when said descriptor contains an object for controlling a function of an appliance, as well as a program for generating a corresponding command to be transmitted to the appliance with which the set is associated (Fig. 13, col. 18, lines 43-60, command for increase or decrease of audio volume)..

Regarding claim 7, Humpleman discloses, as disclosed in claim 1, device wherein said descriptor comprises configuration data identifying an appliance as a source or receiver of a data type, said microprocessor being programmed to create at least one configuration page for allowing the user to specify the connections between appliances, and wherein the at least one configuration page indicates possible connections (Fig. 13, col. 20, lines 23-40, selecting play command in DVCR page provide the display on connected DTV).

All subject matters associated with method in claim 8 are disclosed in claims 1 and 7, and therefore, rejections of the subject matters expressed in claim 8 are met by references and associated arguments applied to rejections of claims 1 and 7.

All subject matters associated with method in claim 9 are disclosed in claim 3, and therefore, rejections of the subject matters expressed in claim 9 are met by references and associated arguments applied to rejections of claim 3.

All subject matters associated with method in claim 10 are disclosed in claim 1, and therefore, rejections of the subject matters expressed in claim 10 are met by references and associated arguments applied to rejections of claim 1.

All subject matters associated with method in claim 11 are disclosed in claims 5-6, and therefore, rejections of the subject matters expressed in claim 11 are met by references and associated arguments applied to rejections of claims 5-6.

All subject matters associated with method in claim 12 are disclosed in claim 2, and therefore, rejections of the subject matters expressed in claim 12 are met by references and associated arguments applied to rejections of claim 2.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

September 25, 2003

MICHAEL HORABIK  
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